

August 24, 2016

BY ELECTRONIC FILING

Matthew S. DelNero, Chief
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28; *Connect America Fund*, WC Docket No. 10-90; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92

Dear Mr. DelNero:

Pursuant to the Commission's *Open Internet Order*,¹ FairPoint Communications, Inc. notified the Bureau on June 23, 2016 of its intention to cease offering its broadband Internet transmission service as a telecommunications service and to offer it instead as a private service, effective August 22, 2016. In that filing, listed 19 local exchange carrier ("LEC") affiliates who would be implementing the change. The purpose of this letter is to notify the Bureau that FairPoint's three remaining LEC affiliates, all of whom are average schedule companies, will be implementing the same change 60 days from today, specifically:

- Bentleyville Communications Corporation
- The Columbus Grove Telephone Company
- Community Service Telephone Co.

In the *Open Internet Order*, the Commission classified retail mass market broadband Internet access service ("BIAS") as a partially forborne telecommunications service, but declined to reclassify other broadband services, such as special access, enterprise broadband and wholesale broadband services, as telecommunications services.² The Commission's forbearance allowed telecommunications carriers to provide BIAS free from a variety of provisions of the Communications Act otherwise applicable to

¹ *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling and Order, 30 FCC Rcd 5601, 5819 & n. 1378.

² *Id.*, 30 FCC Rcd at 5610, 5682-83.

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telecommunications carriers, such as ratemaking regulations.³ At the same time the Commission indicated that any carrier that had *elected* to provide BIAS subject to “the full range of Title II requirements” remained subject to all the applicable Title II rights and obligations unless and until such carrier elects to *change* its offering of broadband Internet transmission services “pursuant to the construct adopted in this Order,” in which event the carrier “should notify the Wireline Competition Bureau 60 days prior to implementing such a change.”⁴ This constitutes that notice for the FairPoint LECs listed above.

FairPoint intends this change to be effective 60 days from the date of this letter, on or about October 23, 2016.

Please direct any questions concerning this matter to me.

Very truly yours,



Karen Brinkmann

Counsel to FairPoint Communications, Inc.

cc: Deena Shetler, Deputy Chief, Wireline Competition Bureau
Pamela Arluk, Chief, Wireline Competition Bureau Pricing Policy Division

³ *Id.* at 5817-18.

⁴ *Id.* at 5819, n. 1378. The Wireline Competition Bureau very recently reiterated that this procedure remains available to rate-of-return local exchange carriers to enable them to provide wholesale broadband transmission on a private basis (such as to their own retail BIAS affiliate). *Connect America Fund et al.*, Order, WC Docket Nos. 10-90 *et al.*, DA 16-661 (WCB rel. June 15, 2016), ¶25 (citing the *Open Internet Order*).